

## **REMARKS**

In response to the above-identified Office Action, Applicants amend the application and seek reconsideration thereof. In this response, Applicants amend Claim 1. Accordingly, Claims 1-3 are pending.

### **I. Claims Rejected Under 35 U.S.C. § 112**

Claims 1-3 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to define the terms “large track” and “small track.” Applicants respectfully submit that descriptions of the terms can be found in the specification at page 7 and FIG. 2. In particular, FIG. 2 shows that a disk is divided into two large tracks 31, 32 or two regions. Each of the large tracks has “a size similar to the width of the probes 10 column” (page 7, lines 6-8). FIG. 2 also shows a plurality of small tracks 33-35 within large track 32. These small tracks 33-35 “indicate fine tracks being the minimum unit for recording/reading data” (page 7, lines 5-6). The specification further describes “[i]f the distance between the probes 10 is 50  $\mu$ m and the distance between the tracks 50 nm, it means that there are 1000 small tracks 33-35 between the probes” (page 7, lines 13-15). That is, the size of the small track is smaller than the distance between the probes 10. Thus, based on the descriptions and the drawing, the meaning of the terms “large track” and “small track” are ascertainable and definite. Accordingly, reconsideration and withdrawal of the rejection of Claims 1-3 are requested.

### **II. Claims Rejected Under 35 U.S.C. § 102**

Claims 1-3 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Japan Patent Publication No. JP-07-210903 applied for by Ueda et al. (“Ueda”). Applicants respectfully traverse the rejection.

To anticipate a claim, the Examiner must show that a single reference teaches each of the elements of that claim. Among other elements, amended Claim 1 recites “said probe column between the small tracks and the large tracks is moved by a dual driving control device in which

high resolution movement and lower resolution movement are integrated, said dual driving control device have a high resolution transferring device to move between said small tracks and a low resolution transferring device to move between said large tracks.” Applicants respectfully submit that Ueda at least does not teach these elements.

Ueda does not teach a dual driving control device. For radial or X directional movement, Ueda at most discloses a piezo 6 controlling the movement of probe groups 8 (paragraph [0012] and Figures 1 and 2). If, for the sake of argument, piezo 6 enables the probe group 8 to move between tracks and groups of tracks, there are no high resolution transferring device and low resolution transferring device in Ueda’s teaching. Piezo 6 is at most a single driving control device, not a high resolution transferring device and a different, low resolution transferring device. Thus, Ueda does not teach the dual driving control device as claimed.

Accordingly, reconsideration and withdrawal of the anticipation rejection of Claim 1 are requested.

Claims 2 and 3 depend from Claim 1 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to Claim 1, Ueda does not teach each of the elements of Claims 2 and 3. Accordingly, reconsideration and withdrawal of the anticipation rejection of Claims 2 and 3 are respectfully requested.

## CONCLUSION

In view of the foregoing, it is believed that all claims now are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
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Erin Flynn

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